IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.8905 of 2005

The State of Maharashtra ..Petitioners

vs.

Smt.Rohini Balasaheb Rote ..Respondents

Shri D.A.Patil, A.G.P. for petitioners.

CORAM: S.B.MHASE J.
9th March, 2006

P.C.

. Heard.

2. The order dated 26th April, 2005 passed by the learned Civil Judge, Sr.Dn., Barshi on application below Exh.17 in Special Civil Suit No.04 of 2005 is under challenge. It is an admitted position on record that award in respect of the land of the plaintiff. Plaintiff has filed a suit for declaration that the defendants are liable to pay a sum of Rs.28,10,558/- to the plaintiff as per the award passed by the Collector. Out of the said amount only the sum of Rs.19,00,000/- has been paid and remaining amount of Rs.9,10,558/- has not been paid. Since the said amount has not been paid the plaintiff

has approached the Court with a prayer to restrain the defendants from demolishing the suit property under acquisition. In fact, as per law, the amount should have been disbursed by the State Government by this time and, therefore, the plaintiff is justified in obstructing demolition of the suit property. I do not find any reason to entertain the present petition. Petition is dismissed.

(S.B.MHASE J.)